

DESIGN GUIDELINE VARIANCE

Any interested party may petition for a variance from the literal provisions of the Year 2010 Design Guidelines Code in instances where strict enforcement of the Code would cause undue hardship due to circumstances unique to the individual property under consideration. An application for a variance may be filed with the City Administrator, through his designated agents, on forms provided by the City. Notice of the pending application and any appeal shall be provided according to the procedures utilized with reference to variance requests from the provisions of the Zoning Code. The application for variance shall be heard by the Board of the Central Business Improvement District at a meeting to be held within fourteen (14) days of the filing of the application. ***A variance shall be granted only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Year 2010 Design Guidelines Code.*** Within fourteen (14) days from the date of decision of the Board of the Central Business Improvement District, any interested party may appeal the decision regarding the granting or denial of the variance to the Board of Directors of the City of Fort Smith. With reference to any appealed variance request, the decision of the Board of Directors of the City of Fort Smith shall be final, subject to any authorized judicial review.

Your application was received by _____ on _____,
20____.

Planning Dept. Official

The public hearing will be held in fourteen (14) days on _____,
20____ at the _____.

Any question(s) that relates to the completion of the required items will be answered by calling 784-2216.

INSTRUCTIONS FOR FILING REQUEST FOR DESIGN GUIDELINE VARIANCES

A. NOTICE OF PUBLIC HEARING

1. Provide the legal description of property included in the variance request in the space indicated.
2. Provide the street address of the property.

3. Describe the proposed variance request on the attached form.
4. Date of hearing will be provided by the City.
5. The notice must be signed by the owner.

B. VARIANCE INFORMATION FORM

1. Note the specific variance(s) requested.

C. PLANS

1. Provide elevation drawings of the exterior of the structure with color chips, color key and/or material samples.

D. AUTHORIZATION OF AGENT

1. If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

E. PROPERTY OWNERS LIST

1. List the names and address of all property owners adjacent or contiguous to the petitioned property, including the property across streets and intersections.

This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse, Room 107. Please call the Tax Assessor's Office at 479-785-8948 to schedule an appointment. A small charge will be assessed to you for this information.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property_____, located within the boundaries of the Year 2010 Design Guidelines Code and the Central Business Improvement District, has filed with the Director of Development and Construction a written application pursuant to Section 4 of Ordinance 70-10 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the Design Code as follows: **(OFFICE USE ONLY)**

The undersigned will present said application to the Central Business Improvement District meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Central Business Improvement District will conduct a public hearing on said application. The meeting will be held at_____on_____, 20___ at_____. All interested persons are invited to attend and are entitled to be heard. This notice is published this_____day of_____, 20___.

Signed:

Owner or Agent Phone Number

Owner

Or

Owner or Agent Mailing Address

Agent

VARIANCE INFORMATION FORM

The following sentence is from Section 4 of Resolution 17-10 of the Ordinance which defines the criteria for granting a variance.

A variance shall be granted only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Year 2010 Design Guidelines Code.

Reason(s) for Hardship:_____

AUTHORIZATION OF AGENT

If an agent (i.e., contractor, design professional) is acting on behalf of the owner(s) all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a variance by application do hereby authorize_____ to act as our agent in the
(Print Name or Agent)
matter.

(Type or clearly print)

NAME OF ALL OWNERS

SIGNATURE OF ALL OWNERS

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

This form necessary only when the person representing this request does not own all the property.